

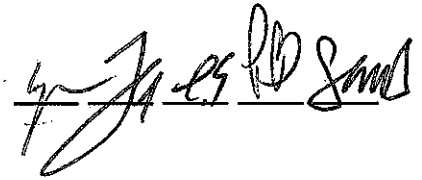
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**MAY 23 2012**

**BOARD OF SELECTMEN  
MEETING MINUTES**

**3/6/12**

**LUNENBURG TOWN  
CLERK OFFICE**



The Board of Selectmen met in the Joseph F. Bilotta Meeting Room, Town Hall as scheduled with David Matthews, Steven M. deBettencourt, Carl "Ernie" Sund, Paula Bertram, Tom Alonzo, and Town Manager Kerry Speidel present.

Regular Meeting opened at 7:00 PM with the Pledge of Allegiance.

**PUBLIC COMMENT**

Ms. Bertram reminded everyone that the Town Caucus will be held on Monday, March 19<sup>th</sup> at the Turkey Hill Middle School at 7PM. Ms. Bertram stated that at that time she hopes to be nominated again for the BOS office and that the last six years she has spent as a Selectman has been incredibly rewarding and that she hopes she has the honor of serving the Town of Lunenburg for another term.

Mr. Alonzo congratulated the Lunenburg High School Boys Basketball team who played well in the recent tournament by making it to the semi-finals, and having a successful season.

**ANNOUNCEMENTS**

**APPOINTMENTS**

**7:15 p.m. Updates on negotiations with Borrego Solar for Town Solar project at Landfill** – John Londa, Facilities Manager updated the BOS on the progress of moving toward a contract with Borrego Solar. They have received a copy of Unitil's report on the generator interconnection impact study and the estimated cost to upgrade the Unitil system for a 1.5MW solar array at \$902,600. This includes updates to distribution lines, replacement of two breakers for a closing control, communications systems, and primary meter structure. He stated that Borrego thought that the 1.5MW was not do-able with that much overhead and asked Unitil to go back and look at supporting a smaller system. Borrego is looking at supporting a 1MW system with Unitil and they are expecting an answer back from Unitil within the next 2 weeks on a reduced scale project. Borrego has been in contact with the Lunenburg Assessor's office concerning the taxes and they are looking at a tax of \$55,000. The contract document is currently with Town Counsel but cannot move forward until the issue of the size of the system is resolved. Mr. Londa stated that the interconnection application process is a lengthy process but continues to move forward.

**7:30 p.m. Update on EPG Solar Project** – Mike Borkowski & Robert Babcock, Managing Partners from EPG Solar were present to give an overview of the proposed solar project on West & Pleasant Streets. Mr. Borkowski explained that the original plans had solar panels fairly close to abutter's properties, which also encroached on wetlands. They have been working with the Planning Board and Conservation Commission to readjust their plans. Revised plans included pulling the project further back from the abutters, adding a significant vegetation plan, adding drainage swales and pulling all panels out of the wetlands. Mr. Borkowski stated that they feel that these compromises allow them to continue forward with the project as well as alleviate some of the concerns of the neighbors.

Ms. Bertram questioned the interconnection costs with Unitil. Mr. Borkowski told her that they have been in communication with Unitil and the interconnection costs are within the realm of financial viability for the project. There was discussion concerning the drainage swales and Mr. Babcock explained how they planned on using core logs that will sit in a trench to aide in this process.

Mr. Sund asked if EPG would be opposed if they were asked to put this project in another location due to the abutters concerns. Mr. Borkowski replied that they have shown in the past that they are willing to do anything they can do, to work with the town to help progress the project, and that they would be happy to engage the town. He also said that they would be happy to sell the town discounted electric as well.

Mr. deBettencourt questioned what the schedule of maintenance on the property would be. Mr. Borkowski said that they have had dialog with certain neighbors about the maintenance of the field and that it would be done as such so as the public could still have access to the town property and walking paths.

Ms. Bertram stated that she still remains concerned that this is a large scale project, in a residential area, and she questions whether or not this is the appropriate area for this to be placed. She feels that there are other areas in town that are more suitable and thinks that we need to explore this.

Mr. Matthews agreed with Ms. Bertram and asked if EPG would perhaps consider another location in a few months. Mr. Borkowski replied that they want to continue to do what is best for the town in moving the project forward. He said that if the town is willing to work with them and present those different options then they would be more than happy to work with the town on them.

Kristin Barnes, 634 West Street, had questions about the core logs regarding why they were not being planted and how long they will last. Mr. Babcock answered in saying that they do not need to be planted and that they will eventually become overgrown with the natural growth that is around them. The logs will in time degrade leaving behind a dirt hump which will turn into a berm. Maintenance of these berms will be the responsibility of the project owner.

Dave Prokowiew, 733 West Street, commented that he was excited to hear the suggestion of moving the project.

Milree Keeling, asked if EPG was purchasing or leasing the land, to which Mr. Borkowski replied that they have a 30 year lease. He said that there is a bond in place that states that after the lease is up, everything is taken out of the ground and the land is returned to its natural field state. Ms. Keeling also asked if there were any toxic elements to this project that could be released if a panel should break. Mr. Borkowski said that there are no toxic materials in the panels. He said that the project is fully insured for the replacement cost if anything should break. If things are not repaired then the bond can be revoked. Ms. Keeling questioned if they would be paying taxes on this project to the town to which Mr. Borkowski responded yes they would be paying personal property taxes to the town which will have a significant impact to the town financially (over \$100,000 per year).

Ms. Bertram questioned the fire hazard possibilities to the panels. Mr. Babcock told her that the panels don't generate the type of heat that would make them burn. He said that all of the emergency services have access to the gate, they know the location of the parts that theoretically could catch fire, and they have the ability and instructions to be able to shut everything down.

Bill Belisle, 642 West Street, was concerned about what the geological ramifications might be on his well due to the heavy hammering of pilings into the ground. The representatives from EPG said that there would be no consequences to his well due to that process. Mr. Belisle also questioned how close the project would be to his property line and what it would do to the water table. Mr. Borkowski told him that they were at least 75' from his property line and that it would not affect the water table.

Mr. Prokowiew cautioned the BOS on the questions they were asking EPG on the set back distances and locations of fences in the wetlands. Mr. Borkowski assured the BOS that there were no fences in the wetlands.

Ms. Bertram asked if the revised plan had been submitted to the planning board to which Mr. Borkowski answered yes they were submitted over a week ago but they have not had any comments back.

Mr. Alonzo commented in saying that this was a commercial project that should have been better sited which was the town's oversight in putting together the current bylaw. He hopes they can come to a different location but commended EPG for being forthcoming in their answers and in working through this with the town.

## **CURRENT BUSINESS**

**1. Change of Owner, Common Victualer License – Mr. Mike's Lunenburg** – Mr. James Fagan spoke and said that he was there this evening on behalf of the Global Montello Group Corp., which is the entity that will now own the Mr. Mike's on Mass Ave. He said that this is an entity that is owned by the same family and company that owns Alliance Energy and in connection with corporate restructuring the title to the property along with the license needs to be held in a different name. The day to day operations will all remain the same. Mr. Alonzo motioned to approve the change of owner of the current Common Victualer License at Mr. Mike's in Lunenburg at 131 Mass Avenue. Ms. Bertram seconded. On vote, motion carried, 5 in favor, 0 opposed.

**2. Elena's Gourmet Grocery, All Alcohol License** – Ms. Speidel explained that there had been an error in the previous All Alcohol License which had been applied for in January. The application had been filled out under the wrong name and submitted to the ABCC who did not take action on it but rather they classified it as an upgrade of an existing

license. The existing license is held in the name of the corporation and not in the owner's name individually so it was kicked back to the owner. The owner is now reapplying for the same license as a corporation. Mr. Alonzo moved to approve the All Alcohol License for Elena's Gourmet Grocery Inc.. Ms. Bertram seconded. On vote, motion carried, 5 in favor, 0 opposed.

**3. Adoption of Section 20(d) of the Open Meetings law to allow for Remote Participation** – Discussion among the board members about the cost of implementing this law at this time was held. Mr. Matthews requested that the Town Manager obtain more information on what the cost to the town would be to make this happen. Ms. Speidel will bring this information to the PACC meeting and to the IT Director to see what input they can provide and will report back to the BOS in a few weeks.

**4. BOS Policies & Procedures** – Mr. Matthews stated that it would be better to look at this again after the May Town Meeting. Ms. Bertram stated that she has been reviewing the policies and procedures and that there is still a lot of clean up to do. She has some general comments that she would like to circulate to the other members through the Town Manager.

**5. Minutes/Warrants/Action File Issues** – The following minutes and warrants were presented for approval.

1. Minutes: There were no minutes although Ms. Speidel stated that she had sent an advertisement to town employees seeking someone to record minutes for the BOS meetings on a regular basis.

2. Warrants – AP \$257,494.07

AP \$31,434.87

Deduction Warrant \$379,948.39

Payroll \$591,886.08

3. Action File Issues – None

**6. Committee Report** – Ms. Bertram reported that she attended her first MPO meeting on 2/8/12. She said that the majority of the meeting focused on amendments to the 2012/2013 T.I.P which includes the Summer Street improvement program. The other topic discussed was the current evaluation criteria being used to determine if a project gets placed on the T.I.P. MRPC will be circulating this information electronically to communities to get their feedback. She also said she met with Brad Harris from MRPC to learn more about MPO organization, how it works, and the different programs that they offer to communities.

Ms. Bertram also attended a Planning Board meeting that focused on the solar bylaw draft.

Another issue brought up at the Planning meeting was 263 Elmwood Road and the issue of potential hazardous material being stored at that site. She said that the Fire & Police Chiefs did a "walk through" inspection of the site and found no hazardous material at that property, but had not made a written report of it. She thinks that if the town agencies have done inspections that they need to put it in writing to memorialize that, and get it to the individuals who express concerns.

Ms. Speidel stated that she contacted the Fire Chief and he said that there is a written report on this matter. She will put together the report packet and circulate it to the BOS.

Mr. Matthews asked Ms. Bertram why the Planning Board still lists Pleasant Street and Chase Road in the solar bylaw draft as chosen sites by right. Ms. Bertram stated that she has not attended a meeting where they have talked about the sites that are included and has not read the proposed bylaw yet. There will be a special Planning Board meeting to talk about the draft bylaw this Thursday.

Mr. deBettencourt said that there is a 15% increase in sewer fees and customers are concerned. He said that the Sewer Commission is supposed to be self-funded and they are trying to achieve that goal by using their free cash but that has not worked out yet. He said that when Fitchburg and Leominster sewer rates increase, so do Lunenburg's.

Mr. Sund made a request to establish a Memorial Day Planning Committee to plan the annual Memorial Day celebration. He said that the Veteran's Organization has been in charge of this in the past but the membership has decreased. He believes it is important to honor the men and women who have served this country in the military services and would like to see this established by the end of the month. Ms. Speidel will look into the process of establishing this committee.

Mr. Alonzo said that the Finance Committee meeting to review the Town Manager's Budget with Department heads was delayed due to snow. They have a full schedule and will begin this Thursday at 7PM in the Town Hall, and it will be

televised. He urged people to attend and said that this is a good opportunity for people to become involved to see what is being funded or not and how it all affects everybody in the community at large.

Mr. Matthews reported that the Budget Working Group met last evening and after months of reviewing the budget they will request that the BOS and the Town consider and support an operating budget override in amount of \$2.2M. He read a prepared statement that included the reasons for the support which were many. Currently the town is about 10% below the state average for property tax bills and the override is needed because state funding has been cut significantly and the local revenues do not keep pace with inflation.

## **7. Department Reports - None**

**8. Town Manager Reports-** Ms. Speidel had distributed to the BOS the Town Manager's FY2013 Proposed Budget information which included a financial forecast, override numbers, information on creating a new stabilization fund, impact items etc.. and she reviewed it with them. She stated that she would like to "tweek" this budget a little more before it is put onto the website.

Discussion among the board members ensued regarding getting the information out to the public so that they can fully understand the \$2.2M override impact on the town. The public was also urged to seek out the information about the town and school budgets that are available to them via the internet.

## **OLD BUSINESS**

### **APPOINTMENTS/RE-APPOINTMENTS/RESIGNATIONS – None**

Larry Marshall, 985 Mass Avenue, spoke and said that he and his wife are the proponents on the Jones House and they were in attendance to see if the BOS had any questions regarding the Jones House purchase before Executive Session this evening. Mr. Matthews asked about the easement for the driveway and Mr. Marshall said it was for a driveway turn around. Mr. Marshall also said that the Historical Commission had a question on the sewer connection to the house and recommended that the BOS discuss this in Executive Session.

Dave Prokowiew inquired as to when the budget reports would be available online. Ms. Speidel said she would have them on tomorrow.

### **EXECUTIVE SESSION –**

1. Under M.G. L. Chapter 39, Section 23B (3), Mr. Matthews moved that the BOS go into Executive Session, not to return, to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also to conduct strategy session in preparation for negotiations with non-union personnel; to actually conduct collective bargaining and contract negotiations with non-union personnel. Ms. Bertram moved to go into Executive Session, not to return. Mr. deBettencourt seconded. On vote, motion carried, 5 in favor, 0 opposed.  
Meeting adjourned at 8:57 p.m.

### **UPCOMING MEETING SCHEDULE**

March 13, 2012

March 20, 2012

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**MAY 23 2012**

**LUNENBURG TOWN  
CLERK OFFICE**

*Respectfully submitted,  
Susan Doherty, Recording Secretary  
Board of Selectmen*